

07/23/2018

JULIA C. DUDLEY, CLERK
BY: *H. Wheeler*
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

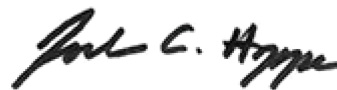
JASON KESSLER,)	
Plaintiff,)	Civil Action No. 3:18cv00015
)	
v.)	<u>ORDER</u>
)	
CITY OF CHARLOTTESVILLE, et al.,)	By: Joel C. Hoppe
Defendants.)	United States Magistrate Judge

This matter is before the Court on the Motion to Quash Non-Party Subpoena Ad Testificandum on Behalf of the Virginia Department of State Police ("Motion"). ECF No. 55. Plaintiff Jason Kessler issued a subpoena to Trooper Eric Gowin of the Virginia State Police ("VSP") to testify at the preliminary injunction hearing on July 24, 2018. ECF No. 56-1. The Motion and brief in support ask the Court to quash the subpoena to Trooper Gowin on the basis that his proposed testimony is irrelevant, and, thus, the subpoena is unduly burdensome. ECF No. 56. Plaintiff counters that Trooper Gowin's testimony is relevant to the Defendants' decision to deny Plaintiff's permit application on the asserted grounds of public safety and limited resources. ECF No. 59. On July 23, 2018, the undersigned Magistrate Judge held a conference call, on the record, with counsel for the parties and the third-party VSP.

A court must quash a subpoena that "subjects a person to undue burden." Fed. R. Civ. P. 45(d)(3). For the reasons stated on the record, I find that Trooper Gowin's proposed testimony is relevant to the claims and defenses in the case. Accordingly, the Motion is hereby DENIED.

It is so ORDERED.

ENTER: July 23, 2018



Joel C. Hoppe
United States Magistrate Judge